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September 30, 1998

VIA MESSENGER

WCC/MELLON

SEP 30 1998

Federal Communications Commission
Common Carrier Network Services
P.O. Box 358145
Pittsburgh, Pennsylvania 15251-5145

CC 98-210 Received

OCT 02 1998

Re: Joint Application for Consent to Assignment of
Authority Under Section 214 of the Communications Act Common Carrier Bureau
Network Service Division
Office of the Chief

Ladies and Gentlemen:

Submitted herewith for filing on behalf of Fidelity Telephone Company ("Fidelity") and Bourbeuse Telephone Company ("Bourbeuse"), and pursuant to Section 214 of the Communications Act of 1934, as amended, are an original and five copies of a Joint Application for Consent to Assignment of Authority Under Section 214 of the Communications Act. This application requests Section 214 authorization to allow Fidelity and Bourbeuse to merge, with Fidelity becoming the surviving corporation. The Missouri Public Service Commission has already approved the merger, and would like Fidelity and Bourbeuse to consummate the merger by December 1, 1998. The merger will lower local exchange rates for most of Fidelity's and Bourbeuse's customers.

Attached hereto are a completed Form 159 Remittance Advise and a check in the amount of \$780 in payment of the required filing fee.

Please direct any questions regarding this application to the undersigned.

Very truly yours,



Alane C. Weixel

Attorney for Fidelity Telephone Company and
Bourbeuse Telephone Company

Enclosures

21770 00001	069797	09/23/98	780.00	WEIAC SECTION 214 FILING FEE (TPN)
TOTAL			\$780.00	\$780.00

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 5000-0000

(1) LOCKBOX # 358145

PAGE NO. 1 OF 1

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Covington & Burling

(3) TOTAL AMOUNT PAID (include and cents)

780.00

(4) STREET ADDRESS LINE NO. 1

c/o Alane C. Weixel, Esq.

(5) STREET ADDRESS LINE NO. 2

P.O. Box 7566

(6) CITY

Washington

(7) STATE

D.C.

(8) ZIP CODE

20044

(9) DAYTIME TELEPHONE NUMBER (include area code)

202/662-5199

(10) COUNTRY CODE (if not in U.S.A.)

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B.
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 158-C) USE.

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

Fidelity Telephone Company

(12) STREET ADDRESS LINE NO. 1

64 North Clark Avenue

(13) STREET ADDRESS LINE NO. 2

!!

(14) CITY

Sullivan

(15) STATE

MO

(16) ZIP CODE

63080

(17) DAYTIME TELEPHONE NUMBER (include area code)

573/468-1218

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 158-C).

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

(21A) QUANTITY

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

FCC USE ONLY

C

U

T

1

780.00

(23A) FCC CODE 1

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

(23B) FCC CODE 1

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION

(25)

PAYER TIN

0 5 3 0 1 8 8 4 1 1

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IS DIFFERENT FROM PAYER NAME IN A-3

APPLICANT TIN

0 4 3 0 6 4 8 4 7 6

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, Sara L. Lundberg

(PRINT NAME)

Certify under penalty of perjury that the foregoing and supporting information

are true and correct to the best of my knowledge, information and belief.

SIGNATURE Sara L. Lundberg

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD/VISA ACCOUNT NUMBER

EXPIRATION DATE

MASTERCARD

1 2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 0

MONTH YEAR

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD

AUTHORIZED SIGNATURE

DATE

for the service(s)/authorization(s) herein described.

21770 00001	069797	09/23/98	780.00	WEIAC SECTION 214 FILING FEE (TPN)
TOTAL			\$780.00	\$780.00

CONTROL NO. 230452 CHECK DATE 09/23/98

NationsBank
WASHINGTON, D.C.

COVINGTON & BURLING

1201 PENNSYLVANIA AVE., N.W.
P.O BOX 7586
WASHINGTON, D.C. 20044

CHECK NO. 230452

15-20
640

.....\$780.00

PAY ■ SEVEN HUNDRED EIGHTY DOLLARS AND 00 CENTS

TO THE
ORDER
OF

FEDERAL COMMUNICATIONS COMMISSION

VOID AFTER 180 DAYS

[Signature]

VOID OVER \$750.00

AUTHORIZED SIGNATURE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
BOURBEUSE TELEPHONE COMPANY)	
)	
Assignor,)	File No.
)	
and)	
)	
FIDELITY TELEPHONE COMPANY)	
)	
Assignee,)	
)	
Joint Applications For Consent to Assignment)	
of Authority Under Section 214 of the)	
Communications Act)	

JOINT APPLICATION

FIDELITY TELEPHONE COMPANY
BOURBEUSE TELEPHONE COMPANY

Paul J. Berman
Alane C. Weixel
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044
(202) 662-6000

John Davis
President, Fidelity Telephone Company
President, Bourbeuse Telephone Company
64 North Clark Avenue
Sullivan, Missouri 63080
(573) 468-1254

*Attorneys for Fidelity Telephone Company
and Bourbeuse Telephone Company*

September 30, 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
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)	
Assignee,)	
)	
Joint Applications For Consent to Assignment)	
of Authority Under Section 214 of the)	
Communications Act)	

**JOINT APPLICATION FOR CONSENT TO ASSIGNMENT OF
AUTHORITY UNDER SECTION 214 OF THE COMMUNICATIONS ACT**

Fidelity Telephone Company ("Fidelity") and Bourbeuse Telephone Company ("Bourbeuse"), pursuant to Section 214 of the Communications Act, as amended (the "Act"), and Section 63.01 of the Commission's rules, 47 C.F.R. § 63.01, hereby submit this joint application for Commission consent to the assignment to Fidelity by Bourbeuse of its Section 214 authority with respect to its local exchange operations. Commission consent to this assignment is requested so that Bourbeuse may discontinue, and Fidelity may commence, service to the Gerald exchange.

Fidelity and Bourbeuse provide local exchange service in Missouri. Bourbeuse is the local exchange carrier for one exchange – Gerald – which has approximately 2,000 access lines. Fidelity provides local exchange service in eight exchanges – Berger, Japan, Lyon, New

Haven, Owensville, Spring Bluff, Stanton, and Sullivan. Fidelity serves approximately 12,000 access lines. Both companies are wholly owned subsidiaries of Fidelity Communications Company.

Fidelity Communications Company seeks to merge Fidelity and Bourbeuse, with Fidelity becoming the surviving corporation. The merger will include all property and equipment necessary to provide local exchange service in Gerald.

In reviewing applications under Section 214(a) of the Act, the Commission must determine whether the transactions are in the public interest. Fidelity and Bourbeuse respectfully submit that the merger of the two companies will serve the public interest. The Gerald exchange is adjacent to Fidelity's service area. By combining the Gerald exchange with the exchanges served by Fidelity, Fidelity will be able to take advantage of network and operating efficiencies. This will reduce costs and enable Fidelity to better serve the customers in the Gerald exchange.

Currently, Fidelity employees perform all necessary work to operate Bourbeuse. Bourbeuse has no separate employees. Fidelity employees must keep track of all time spent on Bourbeuse matters, and those costs are charged to Bourbeuse. The proposed merger will simplify the existing corporate structure. The proposed merger will also improve efficiency because there will no longer be inter-company transfers to account for. The proposed merger will result in simplified accounting and tax reporting.

The proposed merger will have no impact on the day-to-day operations of Bourbeuse, and should be transparent from the standpoint of the customer. After the merger, the customers of Fidelity and Bourbeuse will have a larger local calling area. Also, the merger will reduce rates for local service for most of Fidelity's and Bourbeuse's customers. The Missouri Public Service Commission has approved the merger of Fidelity and Bourbeuse.

For the foregoing reasons, the Commission should find that the grant of the attached applications will produce efficiencies for the carriers and benefits for their customers and therefore will serve the public interest.

Bourbeuse also requests waiver of Section 63.90 of the Commission's rules, 47 C.F.R. § 63.90, to the extent the rule actually applies to this situation and the parties have not already fulfilled the purpose of the rule. Section 63.90 imposes certain publication requirements on a carrier intending to "close, or otherwise discontinue the operation or reduce the hours of service at a telephone exchange." With regard to the merger of Bourbeuse and Fidelity, service will not be closed or discontinued at the Gerald exchange, but instead will be provided by a different carrier, Fidelity. Fidelity and Bourbeuse have announced the merger of the two companies through press releases and letters to affected customers. Also, the local newspaper has published articles regarding the merger. Moreover, the parties have already obtained approval of the merger from the Missouri Public Service Commission. Thus, the purpose of the rule has been fulfilled. However, to the extent that the Commission finds the specific requirements of the rule have not been fulfilled, waiver is requested.

For the above reasons, and for the reasons set forth in the individual applications filed herewith, the proposed transaction complies with all applicable Commission rules, and will serve the public interest. Fidelity and Bourbeuse urge the Commission to act promptly to grant these applications and the associated waiver request.

Respectfully submitted,

FIDELITY TELEPHONE COMPANY
BOURBEUSE TELEPHONE COMPANY

By: 

John Davis
President, Fidelity Telephone Company
President, Bourbeuse Telephone Company
64 North Clark Avenue
Sullivan, Missouri
(573) 468-1254

Paul J. Berman
Alane C. Weixel
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044-7566
(202) 662-6000

September 28, 1998

SECTION 214 APPLICATION OF FIDELITY TELEPHONE COMPANY

In support of this application pursuant to Section 63.01 of the Commission's Rules (47 C.F.R. § 63.01), Fidelity Telephone Company ("Fidelity") provides the following information:

(a) Name and address of applicant:

Fidelity Telephone Company
64 North Clark Avenue
Sullivan, Missouri 63080

(b) State of Incorporation:

Fidelity is a Missouri corporation.

(c) Contact persons for this application:

Mr. John Davis
President
Fidelity Telephone Company
64 North Clark Avenue
Sullivan, Missouri 63080
(573) 468-1254

with a copy to:

Paul J. Berman
Alane C. Weixel
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044-7566
(202) 662-6000

(d) Statement as to whether applicant is or will be subject to Section 214 of the Act:

Fidelity currently is subject to section 214 of the Communications Act of 1934, as amended.

- (e) Statement as to whether the Facilities will be used to extend communication service into territory at present not directly served by the applicant and the nature and classification of service to be provided:

The Gerald service area is not currently served by Fidelity. Fidelity is acquiring this exchange in its entirety and, to the extent possible, will operate the facilities in the same manner in which Bourbeuse operates them.

- (f) Points between which the Facilities are located:

The facilities are all located in the Gerald exchange. A map showing the location of the Facilities is attached as Exhibit A.

- (g) Description of the Applicant's Existing Facilities Between these Points. Showing Specifically the Total Number of Channels Presently Provided Between Major Points on Each Principal Route:

Fidelity has no existing facilities in the Gerald exchange.

- (h) Description of the Facilities for Which Authority is Requested:

The facilities include approximately 2,000 telephone lines, 1 wire center and remote switching equipment, a central office building and a plant storage facility.

- (i) A Statement of Applicant's Present and Estimated Future Requirements, Both for the Route of the Proposed Facilities and for Routes from which any Rerouting to the Proposed Facilities is Contemplated within the Period of the Estimate:

Fidelity will acquire by merger all existing facilities sufficient to meet current and estimated future demand in the service areas of the Gerald exchange.

- (j) A Map or Sketch of the Facilities:

A map showing the location of the Gerald exchange is provided in Exhibit A.

(k)- Various Statements Regarding the Facilities:
(p)

To the extent the Applicant has not provided all the information listed in Section 63.01 of the Commission's Rules, it relies on the Commission's decision in *Alascom, Inc. and AT&T Corporation*, 11 FCC Rcd 732 (1995). As the Commission has determined, strict compliance with each subsection of Section 63.01 is not necessary in every case. This is especially true of those applications, such as this, where the applicants are not constructing new facilities, but rather only transferring certain existing authorizations. *Id.* at 740 ("Since most Section 214 applications involve facilities construction, the [Part 63] rules primarily address those aspects of the application process"); *see also Application of GTE to Acquire Control of Telenet Corp.*, 72 FCC 2d 91 (1979) n.33. Accordingly, the information required by subsections (k)-(p) is not included in this application, except where provided in the attached "Fidelity Telephone Company and Bourbeuse Telephone Company Joint Consent to Assignment of Authority Under Section 214 of the Communications Act," which is incorporated herein by reference.

(q) Statement of Applicability of Environmental Regulation:

An authorization of the facilities involved in this application is excluded categorically as defined by Section 1.1306 of the Commission's rules.

- (r) In accordance with Section 1.2001-1.2003 of the Commission's Rules, 47 C.F.R. § 1.2001-1.2003, Fidelity hereby certifies that neither Fidelity nor any party to this application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See U.S.C. § 853a.

Respectfully submitted,



FIDELITY TELEPHONE COMPANY

John Davis

President

64 North Clark Avenue

Sullivan, Missouri 63080

(573) 468-1254

Paul J. Berman

Alane C. Weixel

Covington & Burling

1201 Pennsylvania Avenue, N.W.

P.O. Box 7566

Washington, D.C. 20044-7566

(202) 662-6000

Its Attorneys

September 28, 1998

Section 214 Application of Bourbeuse Telephone Company

Pursuant to Section 63.505 of the Commission's rules, 47 C.F.R. Sec. 63.505, Bourbeuse Telephone Company provides the following in support of this application:

- (a) Name and address of applicant:

Bourbeuse Telephone Company

- (b) Contact person for this application:

Please direct all correspondence regarding this application to:

John Davis, President
Bourbeuse Telephone Company
64 North Clark Avenue
Sullivan, Missouri 63080
(573) 468-1254

with a copy to:

Paul J. Berman
Alane C. Weixel
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044-7566
(202) 662-6000

- (c) Nature of proposed discontinuance, reduction, or impairment:

Bourbeuse will assign its equipment and facilities to Fidelity Telephone Company.

- (d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction or impairment effective:

The service area covers one exchange, Gerald. A map showing the location of the Facilities is attached as Exhibit A. Bourbeuse proposes to assign its facilities for this exchange to Fidelity Telephone Company on December 1, 1998.

- (e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted:

Fidelity will amend its joint FCC access tariff with Bourbeuse to delete the references to Bourbeuse. Fidelity's rates will be restructured to incorporate Bourbeuse's costs. Fidelity has not completed its rate restructuring but anticipates that some interstate access rates will decrease and some will increase.

- (f) Description of the service area affected including population and general character of business of the community:

See (d) above.

- (g) Name of any other carrier or carriers providing telegraph or telephone service to the community:

The following interexchange carriers provide service to the Gerald area:

Wiltel, Inc.
Sprint
Frontier
Cable & Wireless, Inc.
Excel Telecommunications, Inc.
AT&T
Consolidated Communications, LD
LCI International
MCI
American Telecom Enterprises, Inc.

- (h) Statement of the reasons for proposed discontinuance, reduction, or impairment:

Bourbeuse must discontinue service in order to assign the Gerald exchange to Fidelity; Fidelity will commence service to the Gerald exchange immediately upon discontinuance by Bourbeuse.

- (i) Statement showing that neither present nor future public convenience and necessity would be adversely affected by granting the application:

See "Bourbeuse and Fidelity Joint Application for Consent to Assignment of Authority under Section 214 of the Communications Act," attached, which is incorporated herein by reference.

- (j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community:

There has been no previous discontinuance, reduction, or impairment of service in the last 12 months, nor is there any plan for future discontinuance, reduction, or impairment of service.

- (k) A map or sketch:

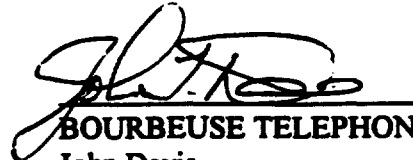
A map showing the location of the Gerald exchange is provided in Exhibit A.

- (l) A statement of the number of toll messages sent-paid and received-collect and the revenues from such traffic in connection with the service proposed to be discontinued, reduced, or impaired for each of the past 6 months:

Bourbeuse requests a waiver of this provision because, in the context of a merger of an exchange between two telephone companies, the requested information is unnecessary and not relevant. The Commission has routinely granted waivers of this provision. See, e.g., *Application of GTE North Inc. to Discontinue Service Over Facilities Located In The State of Michigan Pursuant To 47 U.S.C. § 214*, 12 FCC Rcd 15, 1988 (1997).

- (m) In accordance with Section 1.2001-1.2003 of the Commission's Rules, 47 C.F.R. § 1.2001-1.2003, Bourbeuse hereby certifies that neither Bourbeuse nor any party to this application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 U.S.C. § 853a.

Respectfully submitted,



BOURBEUSE TELEPHONE COMPANY

John Davis

President

64 North Clark Avenue

Sullivan, Missouri 63080

(573) 468-1254

Paul J. Berman

Alane C. Weixel

Covington & Burling

1201 Pennsylvania Avenue, N.W.

P.O. Box 7566

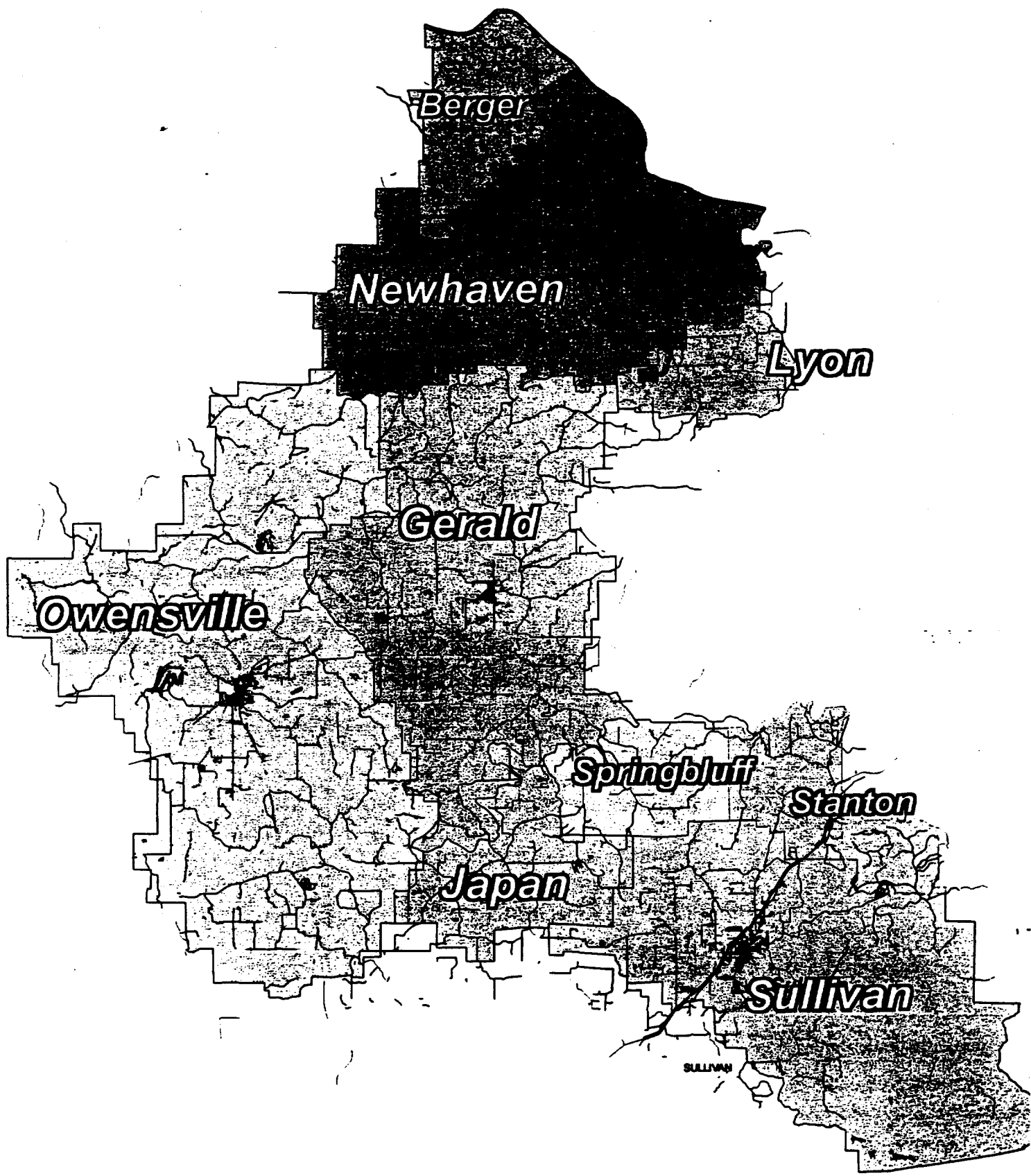
Washington, D.C. 20044-7566

(202) 662-6000

Its Attorneys

September 28, 1998

EXHIBIT A



SULLIVAN